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J1135 U.S. PTO



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J11046 U.S. PTO
09/994078
11/26/01

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November 26, 2001

Assistant Commissioner for Patents
BOX: Patent Application
Washington, DC 20231

Re: New U.S. Patent Application
(Division of U.S. No. 09/159,518)
Appl. No. to be assigned
Filed: herewith
Title: **Novel Opioid Peptides for the Treatment of Pain**
Inventor(s): Brown, *et al.*
Atty. Dkt.: 81813/282437

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. A copy of application no. 09/159,518, as filed in the U.S. Patent and Trademark Office on September 24, 1998, entitled:

NOVEL OPIOID PEPTIDES FOR THE TREATMENT OF PAIN

and naming as inventor(s): William Brown
John DiMaio
Peter Schiller
René Martel

the application comprising:

8 sheets of formal drawings (labeled as Fig. 1A-Fig. 8-B);



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2. A copy of the Declaration by Joint Inventors (37 C.F.R. § 1.63) and on Behalf of Inventor Who Refuses to Sign or Cannot Be Reached (37 C.F.R. § 1.47(a)), Power of Attorney and Petition Under 37 C.F.R. § 1.47(a), executed by inventors William Brown, Peter Schiller and Wuyi Wang, filed in the parent application (8 pages);
3. A copy of the Declaration by Joint Inventors (37 C.F.R. § 1.63) and on Behalf of Inventor Who Refuses to Sign or Cannot Be Reached (37 C.F.R. § 1.47(a)), Power of Attorney and Petition Under 37 C.F.R. § 1.47(a), executed by Francis Martel and Pierre Martel, co-executors of the estate of deceased inventor René Martel, filed in the parent application (8 pages);
4. A copy of the Declaration by Joint Inventors (37 C.F.R. § 1.63) and on Behalf of Inventor Who Refuses to Sign or Cannot Be Reached (37 C.F.R. § 1.47(a)), Power of Attorney and Petition Under 37 C.F.R. § 1.47(a), executed by Diane Martel, co-executor of the estate of deceased inventor René Martel, filed in the parent application (8 pages);
5. A copy of the Decision According Status Under 37 C.F.R. § 1.47(a) in the parent application (2 pages);
6. Statement re Deletion of Inventor (1 page);
7. Preliminary Amendment (2 pages);
8. Information Disclosure Statement (2 pages);
9. List of References Cited by Applicant (4 pages);
10. A copy of the recorded Assignment to Astra AB executed by inventors William Brown, John DiMaio, Peter Schiller and René Martel, filed in the grandparent application (08/292,918) (5 pages);
11. A copy of the recorded Assignment to changing the name of the Assignee from Astra AB to AstraZeneca AB, filed in the parent application (10 pages);



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12. Our check in the amount of \$2,754.00 representing the following fees:
 - \$ 740.00 Basic Filing Fee (37 C.F.R. § 1.16(a)),
 - 420.00 5 independent claim in excess of 3 (37 C.F.R. § 1.16(b)),
 - 1,314.00 73 claims in excess of 20 (37 C.F.R. § 1.16(c)),
 - 280.00 Multiple dependent claim fee (37 C.F.R. § 1.16(d)), and
13. Two (2) return postcards.

This application is a division of U.S. application no. 09/159,518, filed September 24, 1998, which is a continuation-in-part of U.S. application 08/392,918, filed on March 3, 1995 and of 08/718,585, filed on October 2, 1996. It claims the benefit of international application PCT/SE95/00158 (filed on February 15, 1995 and published in English on August 24, 1995) and of PCT/SE96/01011 (filed on August 14, 1996 and published in English on February 27, 1997). In addition, the application claims priority to two applications filed in the United Kingdom (9403263.8, filed on February 21, 1994; and 9408179.1, filed on April 25, 1994) and three applications filed in Sweden (9401519-5, filed on May 3, 1994; 9502877-5, filed on August 18, 1995; and 9503924-4, filed on November 7, 1995)

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are as stated in Item 1 above (see Statement re Deletion of Inventor, Item 6 above) and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/159,518).

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with U.S. 09/159,518. The present application relies upon 09/159,518 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being resubmitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.



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It is respectfully requested that the attached postpaid postcards be stamped with the serial number of the above-named application and that these postcards be returned as soon as possible.

Very truly yours,

PILLSBURY WINTHROP LLP

Michael A. Sanzo

Michael A. Sanzo
Attorney for Applicants
Reg. No. 36,912

MAS:ct
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brown, *et al.*

(Division of Appl. No. 09/159,518)

Appl. No.: to be assigned

Filed: herewith

For: **Novel Opioid Peptides for the
Treatment of Pain**

Art Unit: 1631

Examiner: to be assigned

Attorney Docket: 81823/282437

Statement re Deletion of Inventor

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.63(d)(2), Applicants' undersigned attorney hereby states that Wuyi Wang, an inventor named on parent application 09/159,518, has been deleted in the present divisional application. The deletion is due to the cancellation of claims 59-77 by Preliminary Amendment.

The Commissioner is hereby authorized to charge any fee for the filing of the present document to our Deposit Account No. 03-3975 under order number 81823/282437.

If a phone call would help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: *Michael A. Sauer*

Date: *12/22/01*, 2001
1600 Tysons Boulevard
McLean, VA 22102